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LETTER DATED 9 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the annual report of the United Nations Command in Korea to the Security Council (see annex).

I should be grateful if you could arrange to have the enclosed report circulated as a document of the Security Council.

(Signed) Bill RICHARDSON

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Annex

Report of the activities of the United Nations Command for 1997

I. UNITED NATIONS COMMAND AND ITS MISSION

1. In its resolution 82 (1950) of 25 June 1950, the Security Council determined that the armed attack upon the Republic of Korea by forces of the Democratic People's Republic of Korea constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the Democratic People's Republic of Korea to recall forthwith their armed forces to North Korea. In its resolution 83 (1950) of 27 June 1950, the Council, having noted that the authorities of the Democratic People's Republic of Korea had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the Republic of Korea as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize the Security Council to take such action as may be necessary to maintain or restore internationcal peace and security, including the conduct of military operations by air, sea or land forces of the Member States. Based on this authority, the Security Council, in its resolution 84 of 7 July 1950, recommended that all Member States make military forces and other assistance available to a unified command; requested the United States of America to designate a commander for the unified command; and directed the unified command to provide it with reports, as appropriate, on the course of action taken under the unified command.

(a) While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1997 and attempts to convey objectively the impact of those events upon the efforts of the United Nations Command (UNC) in maintaining the Korean Armistice Agreement.

(b) The authority granted UNC by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief of the United Nations Command signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the Republic of Korea, which had also fought under the flag of the United Nations. The Armistice Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a four-kilometre wide demilitarized zone, which ran 151 miles across the entire width of the Korean Peninsula, separating the combatants. The demilitarized zone, in turn, was further divided two kilometres in from each side by a military demarcation line. Either side was permitted access to its two-kilometre portion of the demilitarized zone but was expressly prohibited from crossing the military demarcation line.

(c) The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. In its resolution 811 (IX) of 11 December 1954 the General Assembly took note of paragraph 62 of the Armistice Agreement, which provides that the Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions, or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides. The Assembly also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent, and democratic Korea, and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all successors to the Commander-in-Chief of UNC are responsible for compliance with, and enforcement of, the terms and provisions of the Armistice Agreement.

(d) Today, UNC continues to carry out its functions and fulfil it obligations under the mandate of the Armistice Agreement. It will continue in this mission until the parties directly concerned with the Korean conflict can achieve a durable peace through political dialogue. Of the original 16 Member States of the United Nations that provided military forces to UNC during the Korean War, 9 are still represented in Korea today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States.

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Armistice Agreement is the only legal regime for maintaining the ceasefire between the opposing military forces in Korea, and it affects the actions of both sides in the conflict. It is imperative that it be preserved until a more durable peace is achieved. The provisions of the Armistice Agreement are military in character and pertain solely to the belligerents in Korea. The United Nations Command Commander-in-Chief signed the Armistice Agreement on behalf of all military forces under UNC, while the Supreme Commander of the Korean People's Army (KPA) and the Commander of the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the opposing communist forces. It is the responsibility of the opposing military commanders to enforce the ceasefire by all forces in Korea and establish "measures and procedures" to ensure compliance. In this connection, the opposing military commanders must maintain effective communications to preclude possible incidents and de-escalate the situation in the event that incidents occur.

A. Military Armistice Commission

3. The Military Armistice Commission (MAC) was established by the Armistice Agreement to supervise the implementation of the Agreement and to settle through negotiations any violations of it. MAC was created as a joint organization without a chairman, composed of 10 military members: five senior officers from UNC and five senior officers from KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, the Commander-in-Chief appoints five senior officers, historically drawn from the Republic of Korea, the United States, the United Kingdom and other Member States still represented in UNC. At the request of

either side, MAC meetings are held in the joint security area, more commonly known as Panmunjom, in the Korean demilitarized zone. On 28 April 1994, however, the KPA MAC Secretary announced that KPA would cease participation in all MAC activities. Its rejection of MAC has continued throughout 1997.

(a) The Armistice Agreement also empowered each side to appoint a Secretary, an Assistant Secretary and other special assistants as required to perform functions in support of MAC. Under the Agreement, UNC and KPA/CPV MAC secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between the two sides. Throughout 1997, KPA met only selectively and informally with UNC, and only when it met its needs. It routinely rejected meetings called by UNC over Armistice Agreement issues.

(b) The Joint Duty Office under the MAC Secretariat, located in the joint security area, maintains 24-hour telephone communication between the two sides. Until April 1994, the joint duty officers also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to UNC stating that KPA had decided to recall all remaining KPA MAC members and MAC staff personnel, to cease participation in MAC activities and no longer to recognize UNCMAC as a counterpart. Further, KPA announced its intention to send a "new team" appointed by its Supreme Commander to contact the "US military" to discuss pending military issues, including a new "durable peace-ensuring system" to replace MAC.

(c) On 1 September 1994, the Foreign Ministry of China announced in Beijing that it had decided to recall its delegation to MAC at Panmunjom. This followed the example set earlier in 1994 by KPA when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing.

(d) UNC has continued to attempt to present credentials for personnel newly assigned to UNCMAC. However, since the announced withdrawal by KPA from MAC in April 1994, it has refused to accept any credentials from UNC.

(e) MAC is authorized under paragraph 27 of the Armistice Agreement to dispatch joint UNC-KPA/CPV observer teams to investigate reported violations of the Armistice Agreement occurring within the demilitarized zone. The KPA has, however, frustrated this important investigative function by continuously refusing to participate in the investigations proposed by UNC. With a single exception, in October 1997, KPA has failed to participate in joint investigations of numerous serious incidents in the demilitarized zone since April 1967. UNC continues to dispatch its observer teams into its portion of the demilitarized zone to ensure compliance with the Armistice Agreement by UNC forces, and is prepared to conduct unilateral investigations of alleged armistice violations in the demilitarized zone. The liaison officers from the United Nations Member States still represented in UNC and officers from the Republic of Korea Advisory Group participated in these special investigative team activities in the demilitarized zone. In 1997, despite numerous reports from the Korean Central News Agency to the contrary, the demilitarized zone has remained relatively quiet. UNC dispatched its joint observer team/special investigative team to UNC guard posts within or along the demilitarized zone on 91 occasions in 1997 to ensure continued compliance with Armistice Agreement

provisions pertaining to the demilitarized zone. In addition, UNC dispatched seven separate special investigative teams to determine the facts associated with alleged armistice violations and participated in one joint investigation with KPA.

(f) There have been no formal plenary sessions of MAC since the 459th MAC meeting, on 13 February 1991. Nevertheless, UNC and KPA have continued to meet in Panmunjom at the colonel level on an informal basis, and the telephone link between UNC and the KPA Panmunjom mission continues to be an important communication link between the two sides. On 3 October 1995, the KPA representatives at Panmunjom refused to accept a UNC message concerning the illegal crossing of the military demarcation line by two civilians without prior coordination. Since then, KPA has refused to acknowledge responsibility for messages containing any reference to a violation of the Armistice Agreement, citing the absence of a KPA organ to deal with armistice issues.

(g) On 4 April 1996, KPA announced that it would no longer accept responsibility for the maintenance and administration of the demilitarized zone and the military demarcation line. Following the announcement, the KPA guard force in the joint security area removed the distinctive insignia specified in the Armistice Agreement and the subsequent Agreement on the MAC Headquarters Area. Based on subsequent observation, KPA personnel and vehicles have continued to operate throughout the northern sector of the demilitarized zone without displaying the appropriate distinctive insignia required by the Armistice Agreement.

(h) In 1997, UNC met with KPA on 29 occasions in Panmunjom. Although KPA has not formally recognized UNC as its dialogue partner, it continues to engage officers of the UNCMAC secretariat on various issues, including a series of meetings on resuming general officer dialogue in Panmunjom. Both sides recognize the value in the resumption of dialogue at the general officer level in the interest of preventing conflict on the peninsula. UNC will continue to pursue this dialogue venue for engaging KPA on armistice-related issues.

(i) There were three key UNCMAC personnel changes in 1997. In October 1997, Major General Michael V. Hayden, United States Air Force, replaced Major General George W. Norwood, United States Air Force, as the United States member in the MAC (see appendix I). In July 1997, Colonel Thomas R. Riley, United States Army, replaced Colonel Ashton H. Ormes, United States Army, as the UNCMAC Secretary (see appendix II). In addition, in November 1997 the rotating UNCMAC member, Colonel Fernando Arteaga, Colombian Army, was replaced by Colonel Angel G. Atutubo, Philippine Army (see appendix III).

B. United Nations Command Military Armistice Commission Senior Member

4. In accordance with paragraph 20 of the Korean Armistice Agreement, the Commander-in-Chief appointed Major-General Cha Ki Mun (subsequently promoted to Lieutenant-General, Republic of Korea Army, as the UNCMAC Senior Member (spokesman), effective 31 July 1996. KPA has repeatedly refused to meet with the Senior Member of the UNC component of MAC, saying that "the South Korean

army is neither a signatory to the Armistice Agreement nor a member of UNC, and cannot represent the whole armed forces now in South Korea.

(a) This North Korean argument is flawed. The Commander-in-Chief signed the Armistice Agreement as Commander of all UNC forces, including 16 United Nations Member States and the Republic of Korea. Neither individual nations nor their military forces are signatories to the Armistice Agreement. During the armistice negotiations and subsequent to the signing of the Agreement, KPA/CPV specifically requested assurances from the Republic of Korea that it would abide by the terms of the Agreement, saying that the armistice would not work unless the Republic of Korea abided by it. UNC relayed such assurances to KPA/CPV.

(b) Today, the Republic of Korea provides "demilitarized zone police" throughout the entire UNC (southern) portion of the demilitarized zone to maintain the armistice. In addition, senior military officers of the Republic of Korea have regularly served as MAC members for the past 44 years. The Armistice Agreement addresses MAC membership neither by nationality nor by United Nations affiliation, nor does it give guidelines for designating a Senior Member. The Commander of each side has discretionary authority to appoint members, and such appointments are not subject to approval by the other side. Further, the appointment of a general officer of the Republic of Korea as the UNCMAC Senior Member does not transfer the armistice maintenance responsibilities of the Commander-in-Chief to either the Government of the Republic of Korea or its forces. In addition, as the UNC signatory to the Armistice Agreement, the Commander-in-Chief is ultimately responsible for ensuring that all UNC forces comply with its provisions.

(c) Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, effective 19 February 1992, stipulates:

> "The two sides (North and South Korea) shall endeavor together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized."

Thus, the Armistice Agreement between the military commanders remains the only legal mechanism to ensure the ceasefire until it is replaced by a more durable peace between the Republic of Korea and the Democratic People's Republic of Korea. The KPA Supreme Commander is legally obligated to respect the terms of the agreement signed in 1953, to recognize the UNC Senior Member, to send representatives to plenary MAC meetings to discuss armistice-related issues and to help promote peace and stability on the Korean Peninsula. The joint UNC-KPA/CPV MAC remains an integral part of the Korean Armistice Agreement, despite KPA statements to the contrary.

C. Neutral Nations Supervisory Commission

5. The Neutral Nations Supervisory Commission (NNSC) was established in accordance with paragraphs 36 and 37 of the Armistice Agreement and was

originally composed of four senior officers from "neutral nations", two from UNC and two from KPA/CPV. The Commander-in-Chief nominated Sweden and Switzerland, and the Supreme Commander of KPA and the Commander of CPV nominated Poland and Czechoslovakia. The Armistice Agreement defines "neutral nations" as countries whose combatant forces did not participate in the Korean conflict. The primary function of the Commission is to conduct independent inspections and investigations of Armistice Agreement violations outside the demilitarized zone and to report its findings to MAC.

(a) KPA/CPV reluctantly agreed to an inspection system proposed by UNC. They have, however, undermined the NNSC function since the signing of the Armistice Agreement by shipping into North Korea modern reinforcing weapons and equipment, completely bypassing the designated ports of entry, in violation of paragraph 13 (d) of the Armistice Agreement.

(b) Since March 1991, KPA has stopped providing required reports to MAC and NNSC pursuant to paragraphs 13 (c) and (d) of the Armistice Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

(c) On 10 April 1993, following the split of Czechoslovakia into two separate States in January 1993, the Democratic People's Republic of Korea forced the Czech delegation to NNSC to withdraw from the north. Further, KPA started pressuring the Polish NNSC delegation to withdraw, cut off protocol contacts and began harassing them to make their life difficult.

(d) In November 1994, the Democratic People's Republic of Korea officially informed the Ministry of Foreign Affairs of Poland that its nomination as a member of NNSC had been terminated. Despite formal protests from NNSC in which members unanimously declared the measures announced by KPA "a blatant violation of the Armistice Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community", the Polish delegation was forced to evacuate its camp at Panmunjom on 28 February 1995. On 3 May 1995, KPA closed the NNSC buildings they controlled on Conference Row and suspended free movement across the military demarcation line into the northern part of the neutral joint security area to the remaining NNSC members and UNCMAC personnel. KPA has not nominated replacements, and today maintains that NNSC no longer exists.

(e) Throughout 1997, NNSC - now represented by only two neutral nations in residence, Sweden and Switzerland - held weekly meetings in the joint security area to review and evaluate reports provided by UNC regarding the number of arriving and departing military personnel. The Polish member returned to Panmunjom periodically from Warsaw, meeting with the Swiss and Swedish members in January, April and September, to demonstrate its continuing support to NNSC and armistice maintenance.

(f) Although the Democratic People's Republic of Korea's restrictions have severely curtailed the ability of NNSC to carry out its mission, the Commission remains an important part of the Armistice Agreement. KPA has been aggressive in its effort to disestablish NNSC and MAC in order to undermine the foundation of the armistice. The international community, in order to preserve and maintain the existing armistice, must continue to oppose these North Korean

attempts, which are contrary to the letter and spirit of the Armistice Agreement, until it is replaced by a more durable peace. In 1993, UNC called upon KPA to nominate a successor for Czechoslovakia and restore support to the Polish member. KPA has not responded. Although NNSC activities have been curtailed over the years as a result of KPA actions, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. UNC believes, therefore, that NNSC should continue to be an integral part of the Korean armistice and will keep the United Nations Security Council informed of further developments on this issue in future reports.

D. United Nations Command remains issue

6. Paragraph 20 of the Understanding on the Return of Korean War Remains, agreed upon in 1954, stipulates that:

> "In the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission."

Since 1954, KPA has refused to accept any armistice-related responsibility for returning remains and has consistently rejected any UNC request for more information concerning those still missing from the war. However, in the late 1980s KPA began demonstrating a willingness to cooperate with United States Government representatives in repatriating remains from the war.

(a) KPA began unilaterally recovering and repatriating UNC Korean War remains to UNC in 1990. Between 20 May 1990 and 13 September 1994, KPA returned a total of 208 sets of what it claimed were UNC Korean War remains. UNC sent those remains to the United States Army Central Identification Laboratory, Hawaii (CILHI) for positive identification. Owing to the lack of complete documentation on excavation data and commingling of remains, the identification process proved extremely difficult. Accordingly, on 7 October 1994, UNC asked KPA to suspend further unilateral recovery operations until an agreement could be reached on conducting joint recoveries in North Korea. Although CILHI has determined that all of the 208 returned remains are human, it has positively identified only seven of the remains. KPA also returned one additional set of unilaterally recovered remains, believed to be those of a British soldier, on 30 October 1995.

(b) In 1996, KPA and the United States Government reached an agreement on the Korean War remains issue. The United States Government agreed to compensate KPA for costs associated with the recovery of remains returned between 1990 and 1994. In turn, KPA agreed to allow a team from CILHI to participate in two joint recovery operations in North Korea near the military demarcation line. The first joint remains recovery operation discovered one set of remains of a United States soldier, who was returned under UNC honours in Panmunjom on 29 July 1996. CILHI positively identified the soldier's remains in September 1996.

(c) In 1997, during three separate joint remains recovery operations, United States and North Korean personnel discovered the remains of six United States soldiers killed during the Korean War. UNCMAC repatriated one set of United States remains through Panmunjom on 4 August, four on 12 September and another on 24 October. UNC remains committed to a full accounting of all those still unaccounted for from the war.

E. Armistice compliance

7. Throughout 1997, UNC deployed UNCMAC special investigative teams into the demilitarized zone to monitor armistice compliance and investigate armistice violation charges for the Commander-in-Chief inside or along the 151-mile southern boundary of the demilitarized zone. Seven of those missions were to investigate violations of the Armistice Agreement. In every instance where UNCMAC attempted to deliver reports of armistice violations, KPA refused to accept them. A report on total KPA armistice violations in 1997 is provided in appendix IV. This does not include charges of routine sightings of KPA soldiers carrying unauthorized weapons in the demilitarized zone or KPA soldiers not wearing distinctive civil police markings. The quantity of those violations is so large as to skew the intent of the report. A chronology of major incidents for 1997 follows:

(a) On 10 March 1997, KPA violated the Armistice Agreement when a five-man KPA patrol crossed the military demarcation line in the vicinity of marker 0492. It could not be determined whether the KPA soldiers, who had travelled over 100 metres south of the military demarcation line, were armed. The patrol remained in territory under the control of UNC approximately 82 minutes without incident before returning the KPA side of the military demarcation line.

(b) Another crossing incident took place on 22 April 1997 when a KPA patrol of five officers and four enlisted soldiers were seen on the northern side of the military demarcation line near marker 0110. The soldiers were carrying AK-47 assault rifles. The patrol began moving single-file west along the northern side of the military demarcation line. At one point, four of the officers intentionally crossed the line approximately 10 feet into the UNC side and stood in front of a military demarcation line marker for approximately two minutes before returning to the northern side without incident. This action occurred in full view of a UNC observation post, and was probably intended to provoke a response.

(c) On 8 and 9 May 1997, KPA security forces committed three separate violations in the joint security area, crossing to the UNC side of the military demarcation line. The first event occurred on 8 May when a KPA soldier threw a book across the military demarcation line in the joint security area, crossed over the line to the southern side to retrieve it, and return north. The second occurred on 9 May when a KPA security guard crossed over the military demarcation line in the joint security area and then returned. The third incident occurred when six KPA soldiers, armed with AK-47-type rifles, were seen south of the military demarcation line in the vicinity of marker 0128. A few minutes later, four more armed KPA soldiers joined the first six at their location south of the military demarcation line. The 10 soldiers continued to

move to the east until no longer observed. The special investigative team estimated that the KPA patrol was approximately 100 metres south of the military demarcation line at its furthest incursion and remained in the UNC portion of the demilitarized zone for approximately 15 minutes before returning north.

(d) Two other violations occurred in the joint security area in June 1997. The first took place on 8 June when an armed KPA soldier crossed the military demarcation line in the vicinity of marker 0100 and remained on the UNC side for four minutes before returning. Also, on 11 June another KPA soldier crossed the military demarcation line at the same location and remained for one minute before returning to the northern side.

(e) On 16 July, a 14-man KPA patrol crossed the military demarcation line nearly 100 metres into the Republic of Korea. Despite verbal warnings and warning shots from the UNC guard post, the KPA patrol continued its movement south of the military demarcation line for approximately 30 minutes. Finally, after numerous warnings to divert them back to the north, a UNC guard post provided direct fire in the vicinity of the KPA patrol. Almost immediately, the patrol returned fire, and the two KPA guard posts in the area began to engage two UNC guard posts with heavy machine-gun and recoilless rifle fire. The firefight lasted approximately one hour, and, while there were no casualties on the UNC side, KPA soldiers may have been injured or killed.

(f) On 9 September, two Republic of Korea soldiers manning a sentry post heard several rounds of small-arms fire in their area and then immediately observed a KPA soldier south of the military demarcation line near the UNC fence. The Republic of Korea soldiers ordered the KPA soldier to drop his weapon, and then one of the Republic of Korea soldiers left the scene to report the situation. At that time, the KPA soldier recovered his weapon and made a threatening movement towards the remaining Republic of Korea soldier, who opened fire, killing the KPA soldier in self-defence. Subsequently, UNC repatriated the body of the KPA soldier at Panmunjom.

(g) On 17 October, a KPA patrol apprehended two Republic of Korea Tae Song-Dong village farmers near the military demarcation line in an area east of Panmunjom. The farmers, a mother and her son, had left their fields and were accompanying joint security area security battalion guards to gather acorns near the military demarcation line. When the security guards approached the acorn grove to locate the missing farmers, they observed a KPA patrol just north of the military demarcation line holding the two farmers. Joint security area security battalion personnel attempted to persuade KPA to release the farmers, but KPA refused and took the two north. UNC security personnel showed great restraint and did not use armed force during the incident. This incident was followed by several meetings between the KPA Panmunjom mission and the UNCMAC secretariat. KPA claimed the two farmers had illegally crossed the military demarcation line into the north, and they were conducting an investigation of the incident. Eventually, both UNC and KPA agreed to conduct a joint investigation of the incident, the first in over 30 years. (KPA specified, however, that those should not be termed a joint observer team as described in the Armistice Agreement.) Members of the UNCMAC special investigative team and KPA, along with the two farmers, met on 21 October along the military demarcation line and began the investigation by trying to establish the exact

location of the apprehension in relation to the line. The investigation could not clearly determine the exact location of the military demarcation line in the area where the farmers were picking acorns owing to the deterioration and obscuration of markers in the area. Markers throughout the demilitarized zone have deteriorated badly over the past 45 years because KPA armed reaction to maintenance teams has prevented UNC maintenance efforts. The farmers stated they did not know the exact location of the military demarcation line and accepted the word of KPA that they had crossed into the north. The investigative team observed that the military demarcation line was not clearly marked at the site, and accepted the farmers' statement in an effort to gain their release. Following the investigation, the two farmers were released to UNC but only after UNC agreed to a press release stating that the incident may have resulted from an accidental crossing. It should be noted that the farmers were in an area they have worked for several years, and posed no threat to KPA.

(h) In yet another armistice violation, on 21 December 1997 a KPA security guard in the joint security area intentionally stepped across the military demarcation line and remained on the UNC side for approximately three minutes, under the direct observation of the UNC guards, before going back north.

(i) On 23 December 1997, a round from a KPA 14.5-millimetre heavy machine-gun hit a UNC guard post tower in the demilitarized zone. The angle and trajectory of the round placed it in direct line of sight with a KPA guard post 136,900 metres to the west of the UNC guard post. The only sound heard was the impact of the round on the guard post tower wall. Owing to overcast conditions, with visibility limited to 50 metres, no muzzle flash, smoke or any KPA activity was observed. The incident could have been the result of an accidental discharge, but a very good possibility exists that it was intentional. Although there was some damage to the guard post tower wall, there were no injuries to personnel because of the incident.

F. Repatriation ceremonies in Panmunjom

8. Several repatriation ceremonies were conducted in Panmunjom throughout the year. The UNCMAC secretariat and the UNC Honour Guard handled the repatriation of all military personnel. The UNCMAC secretariat also facilitated the return of the remains of a Republic of Korea civilian employee who died in North Korea to the Korean Economic Development Organization (KEDO).

(a) On 28 January 1997, UNC repatriated the remains of a Chinese soldier killed during the Korean War to KPA at Panmunjom. The remains were unearthed during a flood in the Republic of Korea in 1996.

(b) KPA repatriated the remains of a United States soldier killed during the Korean War to UNC on 4 August 1997. A bilateral United States-KPA team conducting a joint remains recovery operation in North Korea recovered the remains of the soldier at a former Korean War battle site.

(c) On 11 September 1997, UNC repatriated a live KPA soldier who had inadvertently drifted down the Han River estuary into the Republic of Korea on 25 August. The Government of the Republic of Korea conducted a thorough

investigation into the circumstances surrounding the soldier's arrival in South Korea, agreeing with UNC that it was accidental. When the soldier made it clear he wished to return to North Korea, he was turned over to KPA at Panmunjom.

(d) On 11 September 1997, UNC also repatriated the remains of a KPA soldier killed in the demilitarized zone on 9 September.

(e) On 12 September 1997, KPA repatriated four sets of remains of United States soldiers killed during the Korean War. The remains were recovered during the second 1997 bilateral United States-KPA joint remains recovery operation in North Korea.

(f) The Government of the Republic of Korea requested UNC assistance when a Republic of Korea civilian employee of KEDO reportedly died on 11 October of natural causes in North Korea. Both KPA and the Republic of Korea Government requested that UNC receive the remains at Panmunjom, in accordance with the request of KEDO. As a humanitarian gesture, UNCMAC coordinated the repatriation with KPA, and a single staff officer acted as liaison at the military demarcation line to complete the ceremony on 13 October 1997. KEDO representatives were on line on both sides of the military demarcation line, and only civilian personnel physically handled the remains.

(g) On 24 October 1997, KPA repatriated the remains of a United States soldier killed during the Korean War. The remains of the soldier were recovered in North Korea during the third and final joint remains recovery operation of 1997.

G. Efforts to re-establish general officer-level dialogue

9. Following the Commander-in-Chief's appointment of a Republic of Korea army General as the UNCMAC Senior Member in 1991, KPA refused to accept his credentials or meet with him. It boycotted a UNC call for a MAC meeting in May 1992, claiming that the Republic of Korea Senior Member was not qualified to represent the Commander-in-Chief since the Republic of Korea was not a member of the original UNC and had not signed the Armistice Agreement, and has not met in the MAC since. In April 1994, KPA recalled its MAC members and staff, calling for the establishment of a "new peace-ensuring mechanism" to replace MAC. The North Koreans subsequently established the KPA Panmunjom mission using officers who had been part of the KPA MAC delegation.

(a) For the past three years, UNCMAC and KPA have negotiated to re-establish a general officer channel of communication. In February 1997, KPA appeared to moderate its earlier position that this channel must be bilateral between the Democratic People's Republic of Korea and the United State, and verbally agreed to most of the UNC conditions for general officer talks. The conditions are as follows: UNC will be the dialogue partner of KPA; the Armistice Agreement will be the basis for talks; the venue will be the MAC Conference Room at Panmunjom; and all general officers have an equal voice. UNC anticipates that further discussions with KPA on general officer dialogue will continue, but the prospects for success remain uncertain.

(b) For over 44 years, MAC has served as the primary official channel of communication between the opposing military commanders in Korea. Despite the current impasse, UNC will continue to perform its unique role in the defence of the Republic of Korea and in maintaining the Armistice Agreement until an effective and enduring mechanism to ensure a durable peace on the Korean peninsula is established.

III. CONCLUSIONS

10. The maintenance of timely and effective communications between the commanders of the opposing military forces is vital to preclude escalation of incidents, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (UNC, KPA and CPV) have played a role in this vital activity for more than 44 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the armistice mechanism - MAC - which is an integral part of the armistice. UNC will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to south-north dialogue to achieve the ultimate goal of a durable peace on the Korean Peninsula.

Appendix I

Credentials of incoming United Nations Command Military Armistice Commission member, dated 2 October 1997

Major General Michael V. Hayden, United States Air Force, is hereby accredited as a member of the United Nations Command Military Armistice Commission, replacing Major General George W. Norwood, United States Air Force, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix II

Credentials of incoming United Nations Command Military Armistice Commission Secretary, dated 18 July 1997

Colonel Thomas R. Riley, United States Army, is hereby accredited as Secretary of the United Nations Command component of the Military Armistice Commission, replacing Colonel Ashton H. Ormes, United States Army, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix III

Credentials of rotating United Nations Command Military Armistice Commission member, dated 30 November 1997

Colonel Angel G. Atutubo, Philippine Army, is hereby accredited as a member of the United Nations Command Military Armistice Commission, replacing Colonel Fernando Arteaga, Colombian Army, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix IV

Korean People's Army violations, 1997

Major violations	January	February	March	April	May	June	July	August	September	October	November	December	Total
Air intrusions	0	0	0	0	0	0	0	0	0	0	0	0	0
Naval intrusions	0	0	0	0	0	0	0	0	0	0	0	0	0
Armed attacks	0	0	0	0	0	0	0	0	0	0	0	0	0
Military demarcation line crossings	0	0	1	2	2	3	1	0	1	0	0	1	11
Firing in demilitarized zone	0	0	0	1	0	0	1	0	0	0	0	1	3
Tank/armoured vehicle	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons violations	0	0	0	0	0	0	3	0	0	0	0	0	3
Excess troops in joint security area	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	1	3	2	3	5	0	1	0	0	2	17
Minor violations													
Fortifications	1	0	0	0	0	0	0	0	0	0	0	0	1
Military training in demilitarized zone	0	0	1	0	0	0	0	0	0	0	0	0	1
Vehicle identification violations	40	36	51	37	35	40	73	25	27	58	58	38	518
Fires in demilitarized zone	1	2	9	7	0	0	0	0	0	0	0	0	19
Unauthorized civilians	0	0	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous/special	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	42	38	51	44	35	40	73	25	27	58	58	38	539